

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 06-10-12**

Date Published: October 5, 2006
For Work Week Commencing: October 9, 2006
Commission Meeting: October 12, 2006, 9:00 a.m.

General Introduction This agenda is the Commission's Utility Division agenda for the work week designated. In the later part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.

Place of Meetings All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.

Live audio feed Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio feed link on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.

Inquiries General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.

Accommodation for Persons with Disabilities Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.

9:00 a.m. Weekly Scheduling (Commission Conference Room – No Web Audio Feed)

9:30 a.m. Business (Bollinger Room)

Public Comments

Action Items All items identified below are for action at the Commission business meeting.

1. Qwest D2004.7.108 (Gary)

Qwest Corporation/Qwest Communications Corporation - TRRO Amendment

Qwest has filed for approval with this Commission a TRO/TRRO amendment in the docket listed above. The FCC, with the guidance of the United States D.C. Court of Appeals, has redefined what constitutes an unbundled network element (UNE) under Section 251 of the 1996 Telecommunications Act. Specifically, the FCC issued its Triennial Review Order (TRO) effective October 3, 2003. This was followed by the United States D.C. Court of Appeals USTA II decision on March 2, 2004. Finally, the Commission issued its Triennial Review Remand Order (TRRO) on March 11, 2005. The effect of these orders and decision was to remove a number of UNES from the list of UNEs required to be offered to competitive local exchange carriers (CLECs). These amendments list approximately 30 UNEs which Qwest and the party to this agreement have agreed are no longer required to be offered under Section 251. This amendment was voluntarily negotiated by the parties involved. Probable Motion: Move to approve the interconnection agreement amendment between Qwest Corporation and Qwest Communications Corporation in D2004.7.108.

Work Sessions All items identified below are for Commission discussion or action on the day designated.

1. N2006.8.125 – Qwest – 2006 CLEC Forum – Close the docket. (10/12/06)
2. D2006.10.143 – Ken Toole, et al., Qwest Customers v. Qwest Corporation – Complaint for relief from unjust and unreasonable rates for services provided by Qwest in Montana – Discuss process pursuant to ARM 38.2.2104. (10/12/06)
3. D2006.8.129 and D2006.10.144 – Buzz Telecom, Inc. – Cramming complaints and misrepresentation by Buzz Telecom on behalf of Nemont Telephone Cooperative, Inc. – Ask the Commission for permission to pursue settlement negotiations with Buzz Telecom regarding possible fines and/or criminal liability. (10/12/06)
4. D2006.5.63, D2006.5.64, D2006.5.65, D2006.7.112, D2006.8.115, D2006.8.124 – Qwest Corporation, Mathews Answering Service, Spectrum Communications, YMAX Communications, Metrocall Inc., Get Mobile, Inc., Munson Radio, Inc. – Six interconnection agreements – Discuss and act on the agreements. (10/12/06)

5. D2006.3.39 – Qwest – Motion to strike – Rule on Qwest's motion to strike the pre-filed testimony of Montana Consumer Counsel expert witness Allen G. Buckalew. (10/12/06)
6. D2005.12.177 – Energy West Montana – Natural gas universal system benefits programs and charges – Discuss/act on stipulation between EWM, Montana Consumer Counsel and Energy Share. (10/12/06)
7. OMS comments to the Department of Energy on Transmission Congestion Study and designation of National Interest Electric Transmission Corridors – Discuss draft OMS comments to the DOE on the Transmission Congestion Study and designation of NIETCs. (10/12/06)
8. Montana Shared Catalog (MSC) – Consider again whether the PSC wants to join the MSC. (10/12/06)
9. **1:30 p.m.** - D2003.7.86, D2004.6.96, D2005.6.103 – NorthWestern Energy – Three consolidated qualifying facility avoided cost dockets – Begin post-hearing work session discussions for purposes of getting direction to draft a final order; discuss any and all matters related to these consolidated dockets. (10/12/06)

Other Meetings

Weekly Scheduling – Will be held at 9:00 a.m. on the day of the Commission Meeting

Notice Items All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

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| 1. <u>Qwest Corporation</u> | <u>N2006.10.142</u> | <u>(Gary)</u> |
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On October 3, 2006 Qwest Corporation (Qwest) filed for Commission approval a Master Service Agreement (MSA) between Qwest and McLeodUSA Telecommunications Services, Inc. (McLeodUSA). Qwest is filing the MSA with the Commission for approval pursuant to Section 2.18 (Large Business Customers With a Multi-State Presence) of its Exchange and Network Service Tariff, and pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest renewing a contract with McLeodUSA to provide telecommunications services within Qwest's incumbent territory which includes various locations in Montana. The services purchased by McLeodUSA are available from other competitive carriers in addition to Qwest.

Protective Orders – Notice Items The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

1. Montana-Dakota Utilities Co. D2006.4.54 (Martin)

On September 29, 2006, Montana-Dakota Utilities Co. (MDU) filed a Motion for Protective Order in the above docket, which is an annual review of MDU's monthly gas cost tracking procedure. The requested Protective Order would govern disclosure of natural gas purchasing information, including things such as price estimates, projections and forecasts, details of individual gas purchase contracts, and monthly price and volume data related to injections into storage. MDU argues the information for which protection is requested is trade secret and has historically been so treated by the Montana Public Service Commission.

2. Qwest Corporation D2005.6.105 (Martin)

On June 9, 2006, Qwest filed a Motion for Protective Order to govern disclosure of (a) a list of regular and stand-alone DSL subscribers and (b) a list of QPP, UNB LOOP, and UNE-P products. Qwest argues the identified items are trade secret and confidential proprietary business information.

Protective Orders – Information Items The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199

Information Items All items identified below are for information only.

New Filings Received in Past Week

D2006.10.141 – NorthWestern Energy – Informational Filing on Cost of Providing Electric and Natural Gas Service in Montana
N2006.10.142 – Qwest Corporation and McLeodUSA Telecommunications Services, Inc. – Individual Case Basis Agreement
D2006.10.143 – Ken Toole, et al. Qwest Customers – Formal Complaint against Qwest Corporation
D2006.10.144 – PSC Initiated – Complaint against Buzz Telecom, Inc. and Billing Concepts, Inc. dba Zero Plus Dialing (ZPDI) and USBI Regarding Telemarketing Misrepresentation